

CHAPTER 200

MERCURY SWITCH REGULATIONS

9 VAC 20-200-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings:

"Board" means the Virginia Waste Management Board.

"Demolition" means the flattening, crushing, baling, shredding, dismantling or other processing of end-of-life vehicles for the purpose of recycling or reselling scrap metal.

"Department" means the Virginia Department of Environmental Quality.

"Director" means the Director of the Virginia Department of Environmental Quality.

"End-of-life vehicle" means a vehicle manufactured for the 2002 model year or preceding model years that is sold, given, assigned, or otherwise conveyed to a vehicle demolisher for the purpose of resale of its parts or recycling.

"Manufacturer" means an entity that is the last entity in the production or assembly process of vehicles that used one or more mercury switches or, in the case of an imported vehicle, the importer or domestic distributor of the vehicle. *"Manufacturer"* does not include any person or entity engaged in the business of selling new vehicles at retail or converting or modifying new vehicles after the production or assembly process.

"Mercury switch" means each mercury-containing capsule, commonly known as a "bullet," that is part of a convenience light switch assembly in a vehicle.

"National Vehicle Mercury Switch Recovery Program" means a program implemented pursuant to the August 11, 2006 Memorandum of Understanding to Establish the National Vehicle Mercury Switch Recovery Program, as amended, between the United States Environmental Protection Agency and the parties referenced therein to provide for management of mercury switches from end-of-life vehicles.

"Scrap metal processor" means any entity that from a fixed location, utilizes machinery and equipment for processing and manufacturing iron, steel and nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap for sale for remelting or recycling purposes.

"Vehicle" means any passenger automobile or car, station wagon, truck, van, trailer or sport utility vehicle with a gross vehicle weight rating of less than 12,000 pounds.

"*Vehicle demolisher*" means a Scrap Metal Processor or an individual or entity engaged in the business of demolition of end-of-life vehicles within the Commonwealth.

9 VAC 20-200-20. Purpose of regulations.

The purpose of these regulations is to reduce the quantity of mercury released into the environment by establishing standards and procedures for the removal of mercury switches from end-of-life vehicles demolished in the Commonwealth. The regulations also provide for the storage, shipping, recycling, or disposal of mercury switches removed from vehicles.

9 VAC 20-200-30. Administration of the chapter.

A. The Virginia Waste Management Board promulgates and enforces regulations that it deems necessary to protect the environment, natural resources, and public health and safety.

B. The director is authorized and directed to administer this chapter in accordance with the Virginia Waste Management Act, §§10.1-1400 through 10.1-1457 of the Code of Virginia, including §10.1-1402(23).

9 VAC 20-200-35. Applicability of these regulations.

This chapter applies to any person who demolishes an end-of-life vehicle in the Commonwealth and any person who stores, ships, recycles, or disposes of mercury switches removed from vehicles in the Commonwealth.

9 VAC 20-200-40. Relationship to other regulations.

A. The Virginia Hazardous Waste Management Regulations address other requirements for handling, storing, accumulating, shipping and disposing of mercury switches as universal waste (9 VAC 20-60-273). Mercury switches removed from end-of-life vehicles may be handled, stored, accumulated, shipped and disposed of in accordance with such regulations. Mercury spill residues shall be managed in accordance with the Virginia Hazardous Waste Management Regulations (9 VAC 20-60 et seq.)

B. Every person disposing of an end-of-life vehicle is subject to the requirements of §46.2-635 of the Code of Virginia requiring a certification that, before demolition, a good faith effort was made to remove all mercury switches from the vehicle. A good faith effort means the actual removal of all mercury switches except when removal is not required by 9 VAC 20-200-60 A.

C. It is the intent of this regulation that requirements imposed herein are consistent with the National Vehicle Mercury Switch Recovery Program, such that vehicle demolishers are eligible to participate in the National Vehicle Mercury Switch Recovery Program, including any available reimbursement under that program.

9 VAC 20-200-50. Prohibitions.

It is unlawful for a person to:

1. Intentionally fail to remove a mercury switch when the person is required to do so.
2. Knowingly make a false report under this chapter or in the certification required by §46.2-635 of the Code of Virginia.
3. Knowingly or intentionally flatten, crush, bale, shred, or otherwise alter the condition of a vehicle from which accessible mercury switches have not been removed in any manner that would prevent or significantly hinder removal of a mercury switch.
4. Obtain a mercury switch from another source and falsely report that it was removed from a demolished vehicle.
5. Manage mercury spill residues or mercury containing equipment and devices, other than mercury switches removed from automobiles, through collection programs established under the National Vehicle Mercury Switch Recovery Program.

9 VAC 20-200-60. Removal of mercury switches from end-of-life vehicles.

A. A vehicle demolisher shall remove, or verify prior removal of, all mercury switches subject to this regulation from end-of-life vehicles prior to demolition of the end-of-life vehicle, except that removal is not required where it is unreasonable, impractical or the vehicle has been damaged in such a way to prevent removal. It shall be unreasonable to remove a mercury switch where to do so would significantly increase the risk of a release of mercury into the environment or place workers in danger. It shall be impractical to remove a mercury switch if the mercury switch is inaccessible due to the condition of the vehicle.

B. If a vehicle demolisher does not know or is uncertain whether a switch contains mercury, a presumption exists that the switch contains mercury.

C. If a vehicle demolisher does not know or is uncertain of a vehicle's model year, a presumption exists that the vehicle was manufactured for the 2002 model year or preceding model years.

9 VAC 20-200-70. End-of-life vehicle mercury switch management programs.

A. Demolishers or other generators of mercury switches removed from end-of-life vehicles may manage them in accordance with the provisions of the Virginia Hazardous Waste Management Regulations for universal waste (9 VAC 20-60-273).

B. Nothing in these regulations shall prohibit demolisher participation in the National Vehicle Mercury Switch Recovery Program, including any available reimbursements available under that program, or an affiliated program established by automobile manufacturers individually or as a group to provide for postremoval handling of mercury switches that is consistent with the National Vehicle Mercury Switch Recovery Program, provided that such program is conducted in accordance with the requirements of 9 VAC 20-60-273.